REMARKS

1. Applicant thanks the Examiner for his findings and conclusions.

2. It should be appreciated that Applicant has elected to amend claims 1-29 and 32-37 solely for the purpose of expediting the patent process in a manner consistent with the PTO's Patent Business Goals, 65 Fed. Reg. 54603 (9/8/00). In making such amendments, Applicant has not and does not in any way narrow the scope of protection to which the Applicant considers the invention herein entitled. Rather, Applicant reserves Applicant's right to pursue such protection at a later point in time and merely seeks to pursue protection for the subject matter presented in this submission.

Hilton Davis / Festo Statement

The amendments herein were not made for any reason related to patentability. As for Claims 1-29, 32-34, and 36, changes were implemented to comply with standard claim drafting practices. As for Claims 1, 4, 6, 15, 19, 28, 29, 33, and 35, changes were implemented to correct grammatical errors. None of the foregoing amendments is related to the pending rejections; all amendments were made for reasons other than patentability.

3. Claims 4, 5-7, 15, 16-18, and 36 stand objected to due to informalities.

Claims 4, 6, 15, and 36 are amended to correct grammatical errors. Accordingly, the current objection to Claims 4, 6, 15, and 36 and all claims dependent therefrom is deemed to be overcome.

4. The specification is objected to for containing the indefinite language of "model training" and "false positive".

As to the phrase "model training", the Applicant respectfully disagrees. The applicant avers that model training is performed across a broad number of fields including: chemistry, computer science, physics, and in financial analysis. Typically, model training uses known inputs into a model for the development of relationships or model parameters. Subsequently, the trained models are used to determine a future value using the established relationships and related inputs. Model training is described in the specification at least at page 16, lines 16-29 and page 17, lines 7-13. A particular type of model is a neural network, which is described on page 17, lines 17-19. Another type of model that is trained is a regression model, page 20, line 11. Model training is performed during model development as described at page 16, lines 17-27. Here, the example of a contrast measure is provided as an input to the scoring model during training. An additional example is provided at page 17, lines 22-30. Still further, statistical models and model training is fully described in U.S. patent no. 5,819,226, which is incorporated into the present specification by reference on page 20, lines 12-13. In one embodiment of the present application, the input to the scoring model is a set of patterns that are indicative of fraudulent and non-fraudulent behavior. The model learns to associate the input or pattern with behavior. Accordingly, the objection to the term "model training" as being indefinite is deemed to be improper.

As to the phrase "false positive", the Applicant respectfully disagrees. False positive is a well known term used across disciplines as meaning a test result that is read as positive but actually is negative. A false positive is a positive test result that does not possess the attribute for which the test is being conducted. As the phrase is broadly used, is well defined, and has a consistent meaning across disciplines, the objection to the term "false positive" as being indefinite is deemed to be improper.

5. Claims 15-18, 27, 33, and 34 stand rejected under 35 U.S.C. § 112, first paragraph as failing to comply with the enablement requirement. Particularly, the expression "training a statistical model" and the term "false positive" are deemed not described in the specification in a manner allowing one skilled in the art to make and/or use the invention.

False positive

As to Claims 16, 17, 27, 33, and 34, containing the term "false positive", the Applicant respectfully disagrees. The term false positive is a well known term used across disciplines as meaning a test result that is read as positive but actually is negative. A false positive is a positive test result that does not possess the attribute for which the test is being conducted. Several formal definitions are provided:

The website Answers.com provides the following multidisciplinary definition of false positive:

> False positive: a term used both in high-tech and medicine, it refers to incorrectly detecting some condition. For example, a false positive is said to occur if an intrusion detection system generates an alarm because it finds a threat (a positive), but the threat turns out to be harmless (false).

The website answers.com further describes the term high tech use of the term false positive as:

> A **false positive**, also called false alarm, exists when a test reports, incorrectly, that it has found a signal where none exists in reality. Detection algorithms of all kinds often create false alarms. For example, optical character recognition software may detect an 'a' where there are only some dots that look like an a to the algorithm being used. When developing detection algorithms there is a tradeoff between false positives and false negatives, in which an actual match is not detected. That is, an algorithm can often be made more sensitive at the risk of introducing more false positives, or it can be made more restrictive, at the risk of rejecting true positives. Usually there is some threshold of how close a match to a given sample must be achieved before the algorithm reports a

match. The higher this threshold, the fewer false positives and the more false negatives.

Hence, it is demonstrated that the term false positive is well known and is well defined. Accordingly, the current rejection of Claims 16, 17, 27, 33, and 34 under 35 U.S.C. § 112, first paragraph as failing to comply with the enablement requirement is deemed to be improper.

Training a statistical model

The Examiner does not state which claims are rejected under 35 U.S.C. § 112, first paragraph as failing to comply with the enablement requirement for use of the phrase "training a statistical model". Claim 15 is addressed here as containing the phrase "training a statistical model". The Applicant requests clarification if further claims are rejected on the above basis.

As to Claim 15, respectfully the Applicant disagrees. As to the phrase "training a statistical model", the phrase is broadly used, is well defined, and has a consistent meaning across disciplines. Applicant avers that model training is performed across a broad number of fields including: chemistry, computer science, physics, and in financial analysis. Typically, model training uses known inputs into a model for the development of relationships or model parameters. Subsequently, the trained models are used to determine a future value using the established relationships and related inputs. Model training is described in the specification at least at page 16, lines 16-29 and page 17, lines 7-13. A particular type of model is a neural network, which is described on page 17, lines 17-19. Another type of model that is trained is a regression model, page 20, line 11. Model training is performed during model development as described at page 16, lines 17-27. Here, the example of a contrast measure is provided as an input to the scoring model during training. An additional example is provided at page 17, lines 22-30. Statistical model training is specifically taught at least on page 8, line 19 and on page 11, lines 3-4. Further, examples of statistical modeling

types are provided on page 20, lines 10-12. Still further, statistical models and model training is fully described in U.S. patent no. 5,819,226, which is incorporated into the present specification by reference on page 20, lines 12-13. In one embodiment of the present application, the input to the scoring model is a set of patterns that are indicative of fraudulent and non-fraudulent behavior. The model learns to associate the input or pattern with behavior. Hence, the phrase "training a statistical model" is described in the specification. Accordingly, the rejection of Claim 15 and all claims dependent therefrom under 35 U.S.C. § 112, first paragraph is deemed to be improper.

6. Claims 35 and 36 stand rejected under 35 U.S.C. § 112, second paragraph as not providing proper antecedent language to "the method" in line one of each claim.

Applicant amends Claims 35 and 36 to comply with standard claim drafting practices. Accordingly, the rejection of Claims 35 and 36 under 35 U.S.C. § 112, second paragraph is deemed to be overcome.

7. Claims 1-28, 29, 33, and 34 stand rejected for being directed to non-statutory subject matter not in the technological arts.

As to Claims 1-28, 29, 33, and 34, the Applicant respectfully reminds the Examiner that under MPEP 707.07(d) the examiner should designate the statutory basis for any ground of rejection by express reference to a section of 35 U.S.C. No such statute is presented by the Examiner. Accordingly, the rejection of Claims 1-28, 29, 33, and 34 is deemed to be improper.

As to Claims 1-28, 29, 33, and 34, the Examiner rejects the claims as being directed to non-statutory subject matter not in the technological arts. The Examiner states "the claimed invention is not in the technological arts, such as a computer system. None of these independent claims claim a computer

automated system. In some claims, no mention is made at all of technology. The Applicant respectfully disagrees. First, patent law is not limited to the technological arts. In stark contrast, subject-matter provisions of the patent law have been cast in broad terms to fulfill the constitutional and statutory goal of promoting the progress of science and the useful arts. Second, it is not a requirement of a claim to claim a computer automated system. Third, it is well established that one can patent a process if the process may be used, Dolbear v. American Bell Tel. Co. 126 U.S. 1 (1888). Indeed, the Supreme Court has acknowledged that Congress intended 35 U.S.C. § 101 to extend to anything under the sun that is made by man, Diamond v. Chakrabarty, 447, U.S. 303, 309 (1980). In Claims 1, 15, 19, 28, and 34, a computer implemented method for processing an online transaction is used to generate a fraud score, to determine if an action is fraudulent, or to predict a likelihood of fraud, which is a useful method. In Claim 29, the identity of a current purchaser of an online transaction is established. Identifying the contracting parties is critical in a business transaction. In Claim 33, a score is established to allow an acceptable false positive rate as a function of net margin. In independent Claims 1, 15, 19, 28, 29, 33, and 34, it is useful to determine a fraud score, to identify the person, and to limit false positive transactions. The claims are to patentable subject matter as being useful processes made by man. Accordingly, the rejection of Claims 1, 15, 19, 28, 29, 33, and 34 and to all claims dependent therefrom as not being a technological art is deemed to be improper. Further, a rejection of Claims 1, 15, 19, 28, 29, 33, and 34 and all claims dependent therefrom under 35 U.S.C. § 101 would, if made, be deemed to be improper.

8. Claims 1-3, 8, 11, 15, 19-21, 22, 28, 29, 31, 32, 35, and 36 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. patent no. 6,029,154 (hereinafter Pettitt).

Claim 1

As to Claim 1, the Applicant respectfully disagrees. Examiner cites column 3 lines 17-18 as teaching weighting. In Pettitt, the different parameters are weighted. Pettitt teaches the parameters as being weighted based upon the criticality of the parameter. Pettitt gives two examples in column 3, lines 17-28. First, if the dollar amount is important, then the parameters tied to dollars are weighted more heavily. Second, if the critical point is the internet address, then the internet verification parameter is weighted more heavily. In stark contrast, the claimed weight is associated with the purchaser, not with the parameter. While Pettitt picks a parameter to weight, the claimed invention uses knowledge of the purchasers keys to determine a weight. The claimed invention selects a parameter to weight based upon the purchasers profile. Pettitt provides no suggestion of using the purchaser's profile for a plurality of keys to establish a weight for each profile based upon the profiles association with the current purchaser. Accordingly, the rejection of Claim 1 and all claims dependent therefrom under 35 U.S.C. § 102(e) as being anticipated by Pettitt is deemed to be improper.

Claim 15

As to Claim 15, the Applicant respectfully disagrees. First, Pettitt describes a verification system that increases in utility over time, column 3, line 5. The integrated verification system weights parameters to provide a quantifiable indication of fraud as described in Pettitt at column 2, lines 35-38. Further, Pettitt described increase in utility is based upon a history check using a history database. In stark contrast, the claimed invention requires a model. The weighting of parameters of Pettitt is not a model. A model is a description of a system, that accounts for its known or inferred properties that is used for prediction of future results. Pettitt does not teach or suggest a model. Further, the claimed invention requires both training inputs and training a statistical model. As Pettitt does not describe a model, Pettitt can not suggest the use of

training inputs or the act of training a model. Hence, Pettitt does not teach a model, provide input to a model, or train a model. Accordingly, the rejection of Claim 15 and all claims dependent therefrom under 35 U.S.C. § 102(e) as being anticipated by Pettitt is deemed to be improper.

Claim 19

As to Claim 19, the Applicant respectfully disagrees. Pettitt describes a consistency check that determines if two pieces of data match. For example, Pettitt teaches checking whether the credit information matches the user. In stark contrast, the claimed invention uses a contrast measure. As defined in the application, a contrast measure provides a measure of how similar profiles are to each other and thus how reliable they are in describing the buyer's transactions. Two key elements exist here. First, the contrast measure compares profiles, not elements as taught by Pettitt. Claim 19 limits the contrast measure to summary variables included in a set of profiles. Pettitt's matching system does not compare profiles. Second, the contrast measure provides a measure that allows a scalar value, whereas Pettitt provides a match which is binary in nature.

Separately, the claimed invention computes the contrast measure for a summary variable. Pettitt does teach historical transactions. However, no suggestion of a summary variable is made by Pettitt. In stark contrast, the claimed invention requires a summary variable. As described at page 15, lines 25-30, summary variables are generated from transactions within a profile. Further, these variables describe historical purchasing behavior. Pettitt does not describe any variable generated from the history database. Nor does Pettitt describe a variable that summarizes transactions within a profile. Hence, Pettitt does not teach a measure comparing profiles, does not teach a measure, and does not teach a summary variable. Accordingly, the rejection of Claim 19 and all claims dependent therefrom under 35 U.S.C. § 102(e) as being anticipated by Pettitt is deemed to be improper.

Claim 22

As to Claim 22, the Applicant respectfully disagrees. The Examiner cites Pettitt at column 2, lines 57-65 as anticipating Claim 22. Pettitt teaches a matching system to determine if credit information is consistent. In stark contrast, the claimed invention requires computing a ratio of the summary variables. A ratio is mathematically different than a match. Pettitt makes no suggestion of a ratio. In addition, the claimed invention requires a ratio of summary variables. No suggestion of a summary variable is made by Pettitt. As described at page 15, lines 25-30, summary variables are generated from transactions within a profile. Further, these variables describe historical purchasing behavior. Pettitt does not describe any variable generated from the history database. Nor does Pettitt describe a variable that summarizes transactions within a profile. Still further, as Pettitt does not teach computing a ratio and Pettitt does not teach a summary variable, it is not possible for Pettitt to have taught a ratio of the summary variables. Hence, Pettitt did not teach computing a ratio, summary variable, or a ratio of summary variables. Accordingly, the rejection of Claim 22 under 35 U.S.C. § 102(e) as being anticipated by Pettitt is deemed to be improper.

Claims 28 and 35

As to Claims 28 and 35, the Applicant respectfully disagrees. Examiner cites column 3 lines 17-18 as teaching weighting. In Pettitt, the different parameters are weighted. Pettitt teaches the parameters as being weighted based upon the criticality of the parameter. In stark contrast, the claimed weight weights the profiles to a degree the profile is associated with the purchaser. Thus the weight is set based upon and associated with the purchaser. While Pettitt picks a parameter to weight, the claimed invention uses knowledge of the purchasers keys to determine a weight. The weighting set of Pettitt is not the weighting set of the claimed invention. Pettitt provides no suggestion of using the purchaser's profile for a plurality of keys to establish a weight for each profile based upon the

profiles association with the current purchaser. Accordingly, the rejection of Claims 28 and 35 under 35 U.S.C. § 102(e) as being anticipated by Pettitt is deemed to be improper.

Claim 29

As to Claim 29, the Applicant respectfully disagrees. The examiner cites column 2, line 66 – column 3, line 11 as teaching historical transactions and summary variables. Pettitt does teach historical transactions. However, no suggestion of a summary variable is made by Pettitt. In stark contrast, the claimed invention requires summary variables derived from the associated historical transactions. As described at page 15, lines 25-30, summary variables are generated from transactions within a profile. Further, these variables describe historical purchasing behavior. Pettitt does not describe any variable generated from the history database. Nor does Pettitt describe a variable that summarizes transactions within a profile. Accordingly, the rejection of Claim 29 under 35 U.S.C. § 102(e) as being anticipated by Pettitt is deemed to be improper.

Claim 31

As to Claim 31, the Applicant respectfully disagrees. The examiner cites column 2, lines 29-31 and column 2, line 42-column 3, line 16. As to the particular claim limitation of historical transactions and summary variables, only column 2, line 66 – column 3, line 11 is pertinent to teaching or describing historical transactions or summary variables. Pettitt does teach historical transactions in this section. However, no suggestion of a summary variable is made by Pettitt. In stark contrast, the claimed invention requires summary variables summarizing all transactions having a same key for at least one of the key fields. As described at page 15, lines 25-30, summary variables are generated from transactions within a profile. Further, these variables describe historical purchasing behavior. Pettitt does not describe any variable generated from the history database. Nor does

Pettitt describe a variable that summarizes transactions within a profile. Since Pettitt does not teach a summary variable Pettitt can not teach summary variables summarizing all transactions having a same key for at least one of the key fields. Accordingly, the rejection of Claim 31 and all claims dependent therefrom under 35 U.S.C. § 102(e) as being anticipated by Pettitt is deemed to be improper.

Claim 36

As to Claim 36, the Applicant respectfully disagrees. Pettitt teaches checking whether the credit information matches the user. In stark contrast, the claimed invention uses a contrast measure comparing summary variables. A contrast measure provides a measure of how similar profiles are to each other and thus how reliable they are in describing the buyer's transactions. Several key elements exist here. First, the contrast measure compares profiles, not elements as taught by Pettitt. Second, the contrast measure provides a measure that allows a scalar value, whereas Pettitt provides a match, which is binary in nature. It is known that a scalar value is not binary in nature. Third, summary variables are compared. As described in the application as filed at page 15, lines 25-30, summary variables are generated from a profile and describe historical purchasing behavior. Pettitt does not describe any variable generated from the history database. Nor does Pettitt describe a variable that summarizes transactions within a profile. Hence, Pettitt does not teach a measure comparing profiles, does not teach a measure, and does not teach a summary variable. Accordingly, the rejection of Claim 36 under 35 U.S.C. § 102(e) as being anticipated by Pettitt is deemed to be improper.

9. Claims 9, 10, 13, 14, and 18 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Pettitt.

In view of the above described differences to independent Claims 1 and 15, the current rejection of dependent Claims 9, 10, 13, 14, and 18 under 35 U.S.C. § 103(a) as being unpatentable over Pettitt is rendered moot.

10. Claims 4-7, 23, and 25-27 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Pettitt in view of U.S. patent no. 6,282,658 (hereinafter French).

In view of the above described differences to independent Claims 1 and 19, the current rejection of dependent Claims 4-7, 23 and 25-27 under 35 U.S.C. § 103(a) as being unpatentable over Pettitt in view of French is rendered moot.

11. Claims 30 and 37 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Pettitt in view of French.

As to Claim 30, the Applicant respectfully disagrees. The Examiner refers to column 1, lines 48-59; and column 2, lines 5-7 and 17-58 in Pettitt as teaching a fraud score. No reference to French with regards to a fraud score is claimed by the Examiner. The Applicant can find no equivalent of a fraud score in Pettitt. Pettitt teaches identifying whether of not a particular internet address is associated with a particular credit card, column 3, line 50-53. In addition, Pettitt teaches a history check to determine if a particular transaction matches previous database information, column 3, lines 1-3. Both of these systems of Pettitt are binary in nature. That is, either the history or internet address match or do not match a current transaction. In stark contrast, Claim 30 requires a fraud score. The fraud score is not taught as a binary value. In stark contrast, a fraud score is taught as a scaled value. Second, the claimed invention applies a plurality of stored rules to the fraud score. The matching system of Pettitt does not describe a plurality of stored rules. Further, Pettitt describes no rules applied to a fraud score, as neither rules or fraud score is taught. Third, the claimed invention requires a condition and an action to perform is response to the fraud score.

Again, as no fraud score is taught in Pettitt, Pettitt can not have a condition or an action to perform in response to the fraud score. Accordingly, the rejection of Claim 30 under 35 U.S.C. § 103(a) as being unpatentable over Pettitt in view of French is deemed to be improper.

As to Claim 37, the Applicant respectfully disagrees. As in Claim 30, the Examiner refers to column 1, lines 48-59; and column 2, lines 5-7 and 17-58 in Pettitt as teaching a fraud score. No reference to French with regards to a fraud score is claimed by the Examiner. The Applicant can find no equivalent of a fraud score in Pettitt. Pettitt teaches identifying whether of not a particular internet address is associated with a particular credit card, column 3, line 50-53. In addition, Pettitt teaches a history check to determine if a particular transaction matches previous database information, column 3, lines 1-3. Both of these systems of Pettitt are binary in nature. That is, either the history or internet address match or do not match a current transaction. In stark contrast, Claim 37 requires a fraud score. The fraud score is not taught as a binary value. In stark contrast, a fraud score is taught as a scaled value. Second, Claim 37 requires applying rules to the fraud score. The Pettitt matching system does not describe rules. Further, Pettitt describes no rules applied to a fraud score as Pettitt teaches neither rules or fraud score. Third, the claimed invention requires a condition and an action to perform is response to the fraud score. Again, as no fraud score is taught in Pettitt, Pettitt can not have a condition or an action to perform in response to the fraud score. Accordingly, the rejection of Claim 37 under 35 U.S.C. § 103(a) as being unpatentable over Pettitt in view of French is deemed to be improper.

12. As to Claim 37, to clarify the claimed invention more thoroughly, applicant amends Claim 37 by deleting the clause "the transaction or" to further clarify that each rule defines a condition and an action to perform in response to the fraud score.

13. Claim 12 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Pettitt as applied to Claim 8 in view of U.S. pre-grant publication no. 2001/0032192 A1 (hereinafter Putta).

In view of the above described differences to independent Claim 1, the current rejection of dependent Claim 12 under 35 U.S.C. § 103(a) as being unpatentable over Pettitt in view of Putta is rendered moot.

14. Claim 24 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Pettitt and French as applied to Claim 23 in view of Putta.

In view of the above described differences to independent Claims 19, the current rejection of dependent Claim 24 under 35 U.S.C. § 103(a) as being unpatentable over Pettitt in view of Putta is rendered moot.

15. Claims 16 and 17 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Pettitt in view of U.S. patent no. 5,819,226 (hereinafter Gopinathan).

In view of the above described differences to independent Claim 15, the current rejection of dependent Claims 16 and 17 under 35 U.S.C. § 103(a) as being unpatentable over Pettitt in view of Gopinathan is rendered moot.

16. Claims 33 and 34 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Pettitt in view of Gopinathan.

Claim 33

As to Claim 33, the Applicant respectfully disagrees for several reasons.

First, the Examiner cites Pettitt column 2, lines 42-57 as teaching a statistical model that generates a score. Pettitt teaches a fraud detector that indicates whether a particular transaction is valid, column 2, line 55-56. This is a yes/no or binary operation. In stark contrast, Claim 33 generates a score, which is taught as a scaled value. Accordingly, the rejection of Claim 33 and all claims dependent therefrom under 35 U.S.C. § 103(a) as being unpatentable over Pettitt in view of Gopinathan is deemed to be improper.

Second, The Examiner cites Gopinathan at column 2, lines 58-59 as disclosing determining for each of a plurality of scores generated by the statistical model an actual transaction false positive rate. Respectfully, the Applicant can find no teaching or suggest of the claimed requirement of determining a plurality of scores in the cited section of Gopinathan. As the Examiner states that the above cited clause is not taught by Pettitt, and Gopinathan does not teach all of the limitations of the clause, the combination of Pettitt and Gopinathan can not teach all of the limitations of the claimed invention. Accordingly, the rejection of Claim 33 and all claims dependent therefrom under 35 U.S.C. § 103(a) as being unpatentable over Pettitt in view of Gopinathan is deemed to be improper.

Third, the examiner states that neither Pettitt or Gopinathan teach any of the following:

- determining a desired transaction false positive rate as a function of the merchant's net margin; and
- setting the cutoff score for rejecting transactions as a score having an actual transaction false positive rate approximating or equal to the desired transaction false positive rate.

It would be impermissible hindsight based on Applicant's own disclosure to combine Pettitt and Gopinathan with the Examiner's belief that the all of the above points are obvious in order to arrive at the present invention as claimed.

Applicant respectfully objects to the Examiner's comment that "Therefore, it would have been obvious to an ordinary practitioner of the art at the time of applicant's invention to have combined the art of Pettitt with the art of Gopinathan and well known credit management and statistical modeling practices to establish a cutoff score for rejecting a computer automated online transaction." The examiner concludes that one would be motivated to use the combination of Pettitt with Gopinathan with the Examiner's beliefs as the combination would provide the enhanced capability of the invention. This is improper hindsight. According to MPEP 2143.01, there must be some suggestion or motivation in either the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify or combine reference teachings. The invention itself can not be the motivation for combining references. Accordingly, the rejection of Claim 33 and all claims dependent therefrom under 35 U.S.C. § 103(a) as being unpatentable over Pettitt in view of Gopinathan is deemed to be improper.

Despite the above distinctions, to distinguish the claimed invention from the recited references more thoroughly, Applicant amends Claim 33 by further characterizing the score as a scale score. Support for the amendment is found at least at page 11, line 16 of the application as filed. As described, *infra*, Pettitt provides no teaching of a scaled score. Accordingly, the rejection of Claim 33 and all claims dependent therefrom under U.S.C. § 103(a) as being unpatentable over Pettitt in view of Gopinathan is deemed to be overcome.

Claim 34

In view of the above described differences to independent Claim 33, the current rejection of dependent Claim 34 under 35 U.S.C. § 103(a) as being unpatentable over Pettitt in view of Gopinathan is rendered moot.

17. Claims 1-29, 32-34, and 36 are amended to comply with standard claim drafting practices.

18. Claims 1, 4, 6, 15, 19, 28, 29, 33, and 35 are amended to correct grammatical errors.

19. New Claims 38-42 are added to the application. Support for Claim 38 is found at least at page 8, line 3; page 11, line 11; and page 17, line 8. Support for Claim 39 is found at least at page 20, lines 10-11. Support for Claim 40 is found at least at page 19, line 21. Support for Claim 41 is found at least at page 15, lines 25-30. Support for Claim 42 is found at least at page 11, line 16. Applicant certifies that no new matter was added by way of the new claims.

CONCLUSION

In view of the above, the Application is deemed to be in allowable condition. Applicant therefore earnestly requests the Examiner to withdraw all objections and rejections, permitting the Application to pass to issue as a United States Patent. Should the Examiner have any questions concerning the Application, he is urged to contact Applicant's attorney at (650) 474-8400.

Respectfully submitted,

Julia A. Thomas

Julia A. Thomas

Reg. No. 52,283

Customer No. 22862